

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed July 13, 2005. Claims 3, 12, and 21 are cancelled and claims 1, 11, and 19 are amended. Claims 1, 2, 4-11, 13-20, and 22-28 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. Allowed Subject Matter

The Examiner has indicated that claims 2, 3, 12, 13, 20, and 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have rewritten claim 1 to include the elements of claim 3, claim 11 to include the elements of claim 12, and claim 19 to include the elements of claim 21. In particular, the scope of claims 1, 11, and 19 represent the scope of claims 2, 12, and 21 respectively, which were indicated allowable, and this scope has not been narrowed in any way so as to overcome any prior art, but has merely been rewritten in an independent format as suggested by the Examiner. As acknowledged by the Examiner, the claims are patentably distinct from the prior art, and are now in a condition for allowance. Moreover, for at least the same reason, claims now depending from claims 1, 11, and 19 – namely, claims 2, 4-10, 13-18, and 20, and 22-28 – are also in a condition for allowance.

Applicant acknowledges with appreciation the indication of the Examiner that the subject matter of dependant claims 2, 3, 12, 13, 20, and 21 is allowable in independent form, and the Applicant also wishes to thank the Examiner for the careful review of those claims.

Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office action. In general, Applicant agrees with the Examiner that the inventions to which claims 2, 3, 12, 13, 20, and 21 are directed are patentable over the cited references, but respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the office action.

Particularly, Applicant submits that it is improper to characterize a single limitation, or subset of limitations, as constituting the basis for allowance of a claim. Rather, the patentability of a claim is properly determined with reference to the claim as a whole. Accordingly, Applicant does not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claim allowable and Applicant does not make any admission or concession concerning the Examiner's statements in the action concerning the allowability of claims 2, 3, 12, 13, 20, and 21 in view of the cited references.

In summary, claims 1, 2, 4-11, 13-20, and 22-28 are now pending in view of the above amendments, and all are patentably distinct from the prior art. Allowance of each of these claims is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 7 day of November, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. A. Jones", with a stylized flourish at the end.

DAVID A. JONES
Registration No. 50,004
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800